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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/815,786 | 04/02/2004 | Der-Lin Liou | 2450-0667PUS1 | 9933 |

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| EXAMINER |
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CHANG, VICTOR S

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| ART UNIT | PAPER NUMBER |
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1771

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,786

Applicant(s)

LIOU, DER-LIN

Examiner

Victor S. Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/2/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species Ib (elastomeric foam comprising at least one foam structure layer and one or more substrate layers, see claim 1); Species IIf (substrate is PVC); Species III (substrate is stretchable synthetic yarn knitted fabric); and IIIC (surface treatment comprises coating a lubricating layer) in the reply filed on 1/23/2006 is acknowledged. The traversal is on the ground(s) that "... it should be no undue burden ... at least the generic claims should be in condition for allowance ...". This is not found persuasive because species are patentably distinct. However, upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. In summary, claims 1-8 are elected. Claims 9-16 are withdrawn. In particular, since claim 15 is dependent upon a withdrawn species of claim 12, it is withdrawn as well.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claim 5 is objected to because of the following informalities:

In claim 5, line 3, please correct an apparent typo of the term "isis" as --is--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al. (US 6527990).

Yamashita's invention is directed to a rubber (elastomeric) glove produced by sequentially performing the step of immersing (dipping) a glove mold in a coagulating synthetic rubber latex containing synthetic rubber in latex form, thermally expansible microcapsules (microspheres), and a rubber coagulant to form a coagulant-containing synthetic rubber film on the surface of the glove mold; the step of immersing the glove mold in rubber-incorporating latex to form a gelled rubber layer; and the step of heating a rubber laminate composed of the synthetic rubber film and the gelled rubber layer to vulcanize and foam the rubber laminate (abstract and column 2, lines 1-12). The thermally expansible microcapsules or blowing agent is used preferably in the range of 10 to 150 parts by weight for 100 parts by weight of the solids of the synthetic rubber in latex form (column 5, lines 59-62). At least one material including a synthetic resin can be contained in the coagulating synthetic rubber latex, such as vinyl chloride resin (polyvinyl chloride), in the range of 0.5 to 200 parts by weight for 100 parts by weight of the solids of the synthetic rubber in latex form (column 6, lines 9-19).

Claims lack novelty.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yamashita et al. (US 6527990).

The teachings of Yamashita are again relied upon as set forth above.

For claim 2, Yamashita is silent about the density of the foam structure layer. However, since Yamashita teaches the same subject matter (foamed elastomeric glove), and formed by the same process (dipping and heating), in the absence of evidence to the contrary, it is the Examiner's position that a suitable density of the foam structure layer is either anticipated, or obviously provided by practicing the invention of prior art. It should be noted that where the claimed and prior art products are shown to be identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. See MPEP § 2112.01.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teague (US 1719633) in view of Yamashita et al. (US 6527990).

The teachings of Yamashita are again relied upon as set forth above. Yamashita also teaches that the rubber glove has excellent in anti-blocking properties and grip under dry or wet conditions (abstract).


Teague's invention relates to superposing layers of coagulated rubber latex upon a supporting or shaping form or body, and subsequently drying the rubber (page 1, 1st column, lines 9-11), such as a forming a vulcanized rubber (elastomeric) layer on a glove of knitted fabric (page 2, 2nd column, lines 106-125). As such, in the absence of unexpected results, it would have been obvious to one of ordinary skill in the art to modify Teague's rubber layer with the rubber composition and foamed layer of Yamashita, motivated by selecting a known suitable material, and by improving the glove's anti-blocking properties and grip under dry or wet conditions. Finally, while Teague is silent about the glove material is natural or synthetic fabric, the Examiner takes Official notice that polyester knitted fabric is common and well known glove material. It should be noted that the selection of a known material based on its suitability for its intended use supported a *prima facie* obviousness determination. See MPEP § 2144.07.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor S. Chang
Examiner
Art Unit 1771

2/14/2006